

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:)	
)	
)	
ENCINA WASTEWATER)	COMPLAINT NO. R9-2003-0390
AUTHORITY)	
OCEAN OUTFALL)	FOR
)	ADMINISTRATIVE CIVIL LIABILITY
NONCOMPLIANCE WITH)	WITH
ORDER NO.)	MANDATORY MINIMUM PENALTIES
2000-36, NPDES NO. CA0107395)	
)	December 11, 2003

**THE ENCINA WASTEWATER AUTHORITY IS HEREBY GIVEN NOTICE
THAT:**

1. The Encina Wastewater Authority is alleged to have violated a provision of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the Regional Board on February 11, 2004, at the Rancho California Water District Board Room, 42135 Winchester Road, Temecula, California. The meeting will begin at 9:00 a.m. At the hearing, the Encina Wastewater Authority will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. Additional notice of this public hearing and the hearing procedures will be provided to the Encina Wastewater Authority prior to the hearing date with the agenda for the Regional Board meeting.
3. At the hearing, the Regional Board will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATIONS

4. On January 1, 2002 the Encina Wastewater Authority violated Order No. 2000-36, NPDES No. CA0107395, Waste Discharge Requirements for the Encina Wastewater Authority, Discharge to the Pacific Ocean through the Encina Ocean Outfall. The violation is due to an effluent limitation exceedance of the "maximum at any time"

December 11, 2003

concentration limit for total suspended solids (TSS) as reported in the discharger self monitoring report.

5. On June 23, 2003 the Encina Wastewater Authority violated Order No. 2000-36, NPDES No. CA0107395, Waste Discharge Requirements for the Encina Wastewater Authority, Discharge to the Pacific Ocean through the Encina Ocean Outfall. The violation is due to an effluent limitation exceedance of the "maximum at any time concentration limit for total suspended solids (TSS) as reported in the discharger self monitoring report.
6. The following facts are the basis for the alleged violations in this matter:

The Encina Wastewater Authority operates and administers the Encina Joint Facilities. The Encina Joint Facilities, which are jointly owned by the Encina Joint Powers, include the Encina Ocean Outfall and Encina Water Pollution Control Facility.

The TSS value of 72.4 mg/L that was reported for January 2002 exceeds the TSS effluent limitation of 50 mg/L by 44%.

The TSS value of 93.0 mg/L that was reported for June 2003 exceeds the TSS effluent limitation of 50 mg/L by 86%.

Water Code section 13385(h) states that all serious violations shall be assessed a mandatory minimum penalty of three thousand dollars (\$3,000). A serious violation is any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group I pollutant by 40 percent or more, or a Group II pollutant by 20 percent or more, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations. TSS is a Group I pollutant.

PROPOSED CIVIL LIABILITY

7. Pursuant to Water Code sections 13385(h) a mandatory minimum penalty should be imposed on the Encina Wastewater Authority by the Regional Board in the amount of six thousand dollars (\$6,000), for the above violations.

Dated this 11th day of December 2003


JOHN H. ROBERTUS
Executive Officer